

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss.

BARNSTABLE SUPERIOR COURT

C.A. No.:

KARA S. QUINN, as PERSONAL
REPRESENTATIVE of the ESTATE OF
KEVIN P. QUINN,
Plaintiff

v.

MICKEY A. RIVERA; PERSONAL
REPRESENTATIVE, ESTATE OF MICKEY
A. RIVERA; and MARCELLA E. FUREY,
Defendants

COMPLAINT and JURY DEMAND

1. The Plaintiff is Kara S. Quinn, as Personal Representative of the Estate of Kevin P. Quinn, deceased, who resides in Mashpee, Barnstable County, Massachusetts.
2. Kevin P. Quinn, deceased, was the husband of Kara S. Quinn and the father of their daughter, Logan A. Quinn, born on July 25, 2018.
3. Kara S. Quinn was appointed as the Personal Representative of the Estate of Kevin P. Quinn, at BA18P1344EA of the Barnstable Family and Probate Court, on September 6, 2018.
4. The Defendant is Mickey A. Rivera, an individual, last known and believed to have been residing either 280 Ridge Street, Apartment 2, Fall River, Massachusetts or at 31 Jonas Drive, Mashpee, Massachusetts.
5. The Defendant is the Personal Representative of the Estate of Mickey A. Rivera, deceased, last known and believed to have been residing at either 280 Ridge Street, Apartment 2, Fall River, Bristol County, Massachusetts or at 31 Jonas Drive, Mashpee, Barnstable County, Massachusetts.
6. The Defendant is Marcella E. Furey, an individual, last known and believed to be residing at 31 Jonas Drive, Mashpee, Massachusetts.

7. In reference to M.G.L. ch. 190B, §3-803, the Rivera/Furey vehicle was insured under a policy of insurance issued by Mapfre/Commerce Insurance, 11 Gore Road, Webster, Massachusetts.
8. On or about July 28, 2018, the Defendant Rivera, deceased, was operating a motor vehicle, owned by Defendant, Marcella E. Furey, eastbound on Falmouth Road (Route 28) in Mashpee and Barnstable, Massachusetts, so negligently, carelessly and recklessly as to cause it to collide with a vehicle being operated by Plaintiff's decedent, Kevin P. Quinn, who was proceeding westbound on the same roadway.
9. As a direct and proximate result of the said negligence of the Defendant Rivera, Kevin P. Quinn, suffered severe injuries, which resulted his experiencing conscious pain and suffering, in his incurring expenses for medical care and treatment, in his death, and expenses for his funeral services.
10. The actions/inactions of Mickey A. Rivera, in causing the death of Kevin P. Quinn, deceased, were grossly negligent.
11. The actions/inactions of Mickey A. Rivera, in causing the death of Kevin P. Quinn, deceased, were malicious, willful, wanton and/or reckless.
12. Pursuant to the provisions of M.G.L. ch. 231, §85A, Rivera was operating a vehicle owned by the co-Defendant, Furey, who, as such, is legally responsible for the conduct of Rivera.
13. As a direct and proximate result of the negligence of the Defendants, the Plaintiff, Kara S. Quinn, as the duly appointed Personal Representative of his Estate, brings this action to recover all damages allowable for the wrongful death of Kevin P. Quinn, deceased, as well as damages for the benefit of those entitled to recover under the Massachusetts Wrongful Death Statute, M.G.L. ch. 229, §2.
14. As a direct and proximate result of the negligence of the Defendants, the Plaintiff, Kara S. Quinn, as the duly appointed Personal Representative of his Estate, brings this action to recover for the conscious pain and suffering endured by Kevin P. Quinn for the benefit of the Estate of Kevin P. Quinn, under the provisions of M.G.L. ch. 229, §6.

Count I — Wrongful Death, M.G.L. ch. 229, §2

Kara S. Quinn, as Personal Representative v. Mickey A. Rivera

15. Paragraphs 1 through 14 above are re-stated and re-alleged as if fully set forth at length.

16. For the reasons set forth above, the Defendant, Mickey A. Rivera, is liable to the Plaintiff and to those persons entitled to receive the damages recovered for the fair monetary value due to the death of Kevin P. Quinn, including reasonably expected net income, services, protection, care, assistance, society, companionship, comfort, guidance, counsel and advice.

WHEREFORE, Plaintiff demands judgment in her favor and against the Defendant, Mickey A. Rivera, in an amount to be determined by the Court, together with reasonable funeral and burial expenses, punitive damages, costs, expenses and such other relief as the Court deems fair and reasonable.

Count II — Conscious Pain and Suffering, M.G.L. ch. 229, §6
Kara S. Quinn, as Personal Representative v. Mickey A. Rivera

17. Paragraphs 1 through 16 above are re-stated and re-alleged as if fully set forth at length.
18. For the reasons set forth above, the Defendant, Mickey A. Rivera, is liable to the Plaintiff as Personal Representative of the Estate of Kevin P. Quinn, for his conscious pain and suffering resulting from his injuries.

WHEREFORE, Plaintiff demands judgment in her favor and against the Defendant, Mickey A. Rivera, in an amount to be determined by the Court, together with reasonable funeral and burial expenses, punitive damages, costs, expenses and such other relief as the Court deems fair and reasonable.

Count III — Wrongful Death, M.G.L. ch. 229, §2
Kara S. Quinn, as Personal Representative v. Personal Representative,
Estate of Mickey A. Rivera

19. Paragraphs 1 through 18 above are re-stated and re-alleged as if fully set forth at length.
20. For the reasons set forth above, the Defendant, Personal Representative of the Estate of Mickey A. Rivera, is liable to the Plaintiff and to those persons entitled to receive the damages recovered for the fair monetary value due to the death of Kevin P. Quinn, including reasonably expected net income, services, protection, care, assistance, society, companionship, comfort, guidance, counsel and advice.

WHEREFORE, Plaintiff demands judgment in her favor and against the Defendant, Personal Representative of the Estate of Mickey A. Rivera, in an amount to be determined by the Court, together with reasonable funeral and burial expenses, punitive damages, costs, expenses and such

other relief as the Court deems fair and reasonable.

Count IV — Conscious Pain and Suffering, M.G.L. ch. 229, §6
Kara S. Quinn, as Personal Representative v. Personal Representative,
Estate of Mickey A. Rivera

21. Paragraphs 1 through 20 above are re-stated and re-alleged as if fully set forth at length.
22. For the reasons set forth above, the Defendant, Mickey A. Rivera, is liable to the Plaintiff as Personal Representative of the Estate of Kevin P. Quinn, for his conscious pain and suffering resulting from his injuries.

WHEREFORE, Plaintiff demands judgment in her favor and against the Defendant, Mickey A. Rivera, in an amount to be determined by the Court, together with reasonable funeral and burial expenses, punitive damages, costs, expenses and such other relief as the Court deems fair and reasonable.

Count V — M.G.L. ch 231, §85A
Kara S. Quinn, as Personal Representative v. Marcella E. Furey

23. Paragraphs 1 through 22 above are re-stated and re-alleged as if fully set forth at length.
24. The damages and pain and suffering incurred by Plaintiff and Plaintiff's decedent, as set forth above, were due to the actions/inactions of Mickey A. Rivera, as set forth above, and for whose conduct the Defendant, Marcella E. Furey, is legally liable, as set forth above.

WHEREFORE, Plaintiff demands judgment in his favor, together with costs, interest and such other relief as the Court deems fair and reasonable.

Respectfully submitted
PLAINTIFF
By Counsel,

/s/ John C. Manoog, III
/s/ Linda M. Slowe
/s/ Paul R. Kelley
/s/ James T. Sullivan

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JURY DEMAND

NOW, comes the Plaintiff, through counsel, and hereby Demands a Trial by Jury as to all
issues so triable herein.

Respectfully submitted
PLAINTIFF
By Counsel,

/s/ John C. Manoog, III
/s/ Linda M. Slowe
/s/ Paul R. Kelley
/s/ James T. Sullivan

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